

AMENDMENTS TO THE DRAWINGS:

Please find accompanying this response a replacement sheet for Fig. 4 wherein amendments explained in the Remarks presented below are effected.

REMARKS

Claims 1-25 and 27-41 are now pending in this application. Claims 24 and 25 are withdrawn. Claims 1-25 and 27-30 are rejected. Claims 14 and 16 are objected to. Claim 26 is previously cancelled. New claims 31-41 are added. Claims 1-5, 14, 16-18, 21-23, 27 and 29 are amended herein to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

Applicants submit herewith a replacement drawing sheet incorporating an amendment of Fig. 4. The amendment of the figure adds depiction of control circuit C for actuating the at least one oscillation source, two being shown in the example, as a first oscillation source 6a and a second oscillation source 7a, and inputs based upon rheology reference signals that characterize specific rheological properties, respectively identified as R' and R." All of these features now depicted were previously described in the specification as filed. Therefore, no new matter is added as the amendment is clearly supported by the text of the specification. Entry of the replacement drawing is respectfully requested in substitution for Fig. 4 presently in the application.

The detailed description is amended to refer to the features of amended Fig.

4. No new matter is added.

Claims 14 and 16 are objected to based upon a typographical error. Claim 14 is amended to correct the noted informality. Withdrawal of the objection is respectfully requested.

Claims 19, 20 and 29 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 19, 20 and 29 and their allowance are earnestly requested.

Claims 1-16, 22, 23 and 27-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gielow et al. (US 2,765,153). Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Claim 1 recites in pertinent part the following:

structure defining a channel, at least a partial
area of said channel being defined by at least one
outlet section including at least one outlet through

which the conveyable material to be machined or processed is transportable along a conveying direction, said at least one outlet section being moveably mounted relative to a remainder of the structure defining the channel of the machine, the at least one outlet section being coupled with at least one source for oscillations operable to mechanically oscillate said at least one outlet section relative to the structure defining the channel of the machine, a volumetric section within said at least one outlet section in the channel of the machine through which the conveyable material is transported having vibratable collision elements captively received therein and which subject the conveyable material to at least one of a shearing or an impact treatment when said at least one outlet section is mechanically oscillated to cause the collision elements to collide with one another

The claim recites, in part, that a volumetric section within at least one outlet section in a channel of the machine through which the conveyable material is

transported includes vibratable collision elements captively received therein and which subject the conveyable material to at least one of a shearing or an impact treatment when said at least one outlet section is mechanically oscillated to cause the vibratable collision elements to collide with one another. Applicant respectfully submits that the cited Gielow et al. reference is devoid of disclosure directed to such claimed feature. It is respectfully submitted that the Examiner's characterization of the "liner" as being equivalent to "collision elements" is unsupported by the disclosure of Gielow et al.

The Examiner inaccurately refers to "vibratable liners" (in the plural, referring to col. 3, lines 41-62), when in fact, there is only a single liner taught, and which, in the given example, is a single steel tube 23 (see col. 3, line 44). A coating, as such, does not "collide" in the manner as shown in Fig. 4 of the present invention, and also does not influence the rheological features of the material.

In view of the above, it is respectfully submitted that claims 1-16, 22, 23 and 27-29 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-16, 22, 23 and 27-29 and their allowance are respectfully requested.

Claims 17-20 are rejected as obvious over Gielow et al. in view of Petit (US 3,733,059) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences

between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary Petit reference does not provide the teaching noted above with respect to the anticipation rejection of parent claim 1 that is absent from the primary Gielow et al. reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 17-20 and their allowance are respectfully requested.

Claim 21 is rejected as obvious over Gielow et al. in view of Barainsky (US 3,400,428) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claim obvious because the secondary Barainsky reference does not provide the teaching noted above with respect to the anticipation rejection of parent claim 1 that is absent from the primary Gielow et al. reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claim 21 and its allowance are respectfully requested.

Claim 30 is rejected as obvious over Gielow et al. in view of Gearing (US 3,529,188) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claim obvious because the secondary Barainsky reference does not provide the teaching noted above with respect to the anticipation rejection of parent claim 1 that is absent from the primary Gielow et al. reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejection of claim 30 and its allowance are respectfully requested.

Claims 31-41 are added and are submitted as patentable over the cited art of record. Independent claim 31 recites subject matter directed to a detector disposed in a housing for detecting physiochemical properties of conveyable material when treated, the detector being operable for delivering at least one output signal in dependence on the physiochemical properties detected, and a control circuit receiving the at least one output signal, wherein the control circuit are connected to at least one source of oscillations for adapting the oscillations to dynamically control the physiochemical properties of the conveyable material treated which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Independent claim 37 recites subject matter directed to a housing structure defining a channel and having an inlet section for allowing introduction of

conveyable material, a channel section and an outlet section for discharging the conveyable material, the outlet section, at least in part, being transversely movably supported relative to said channel section, a plurality of collision elements able to collide with each other and arranged within said outlet section of said channel, a filtering arrangement being disposed in the outlet section for retaining said plurality of collision elements in said outlet section, but to allow passage of said conveyable material, and at least one source of oscillations coupled to said outlet section to impart oscillations to said collision elements in order to cause them to collide with each other which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Independent claim 41 recites subject matter directed to a plurality of electrically conductive collision elements being captively received within an outlet section of a channel in a manner allowing passage of conveyable material therepast from an inlet section for subsequent discharge from the outlet section, and at least one inductive source of oscillations coupled to the outlet section to impart oscillations to the collision elements in order to cause them to collide with each other without requiring direct oscillation of the housing structure which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claims 32-36 and 38-40 are patentable based on the subject matter recited therein in addition to the subject matter of claims 31 and 37 from which they respectively depend.

Eleven (11) claims in excess of twenty are added. One (1) independent claim in excess of three is added. Accordingly, please charge the fee of \$792 to Deposit Account No. 10-1250.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$130 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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enc: Replacement sheet of Fig. 4.